

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1083 be amended to read as follows:

- 1 Page 18, between lines 25 and 26, begin a new paragraph and insert:
2 "SECTION 3. IC 6-3.5-6-9 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If on January
4 1 of a calendar year the county option income tax rate in effect for
5 resident county taxpayers equals six tenths of one percent (0.6%), then
6 the county income tax council of that county may after January 1 and
7 before April 1 of that year pass an ordinance to increase its tax rate for
8 resident county taxpayers. **Except as provided in section 9.6 of this**
9 **chapter**, if a county income tax council passes an ordinance under this
10 section, its county option income tax rate for resident county taxpayers
11 increases by one tenth of one percent (0.1%) each succeeding July 1
12 until its rate reaches a maximum of one percent (1%).
13 (b) The auditor of the county shall record any vote taken on an
14 ordinance proposed under the authority of this section and immediately
15 send a certified copy of the results to the department by certified mail.
16 SECTION 4. IC 6-3.5-6-9.6 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
18 UPON PASSAGE]: **Sec. 9.6. Notwithstanding any other provision**
19 **of this chapter, the county income tax council for a county**
20 **containing a consolidated city may pass an ordinance to increase**
21 **the county option income tax rate for resident county taxpayers by**
22 **not more than three-tenths of one percent (0.3%) on the succeeding**
23 **July 1, up to a maximum rate of one percent (1%).**
24 SECTION 5. IC 6-3.5-6-11 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The county
26 income tax council of any county may adopt an ordinance to
27 permanently freeze the county option income tax rates at the rate in
28 effect for its county on January 1 of a year.
29 (b) To freeze the county option income tax rates a county income tax
30 council must, after January 1 but before April 1 of a year, adopt an
31 ordinance. The ordinance must substantially state the following:
32 "The _____ County Income Tax Council permanently

1 freezes the county option income tax rates at the rate in effect on
2 January 1 of the current year."

3 (c) An ordinance adopted under the authority of this section remains
4 in effect until rescinded. The county income tax council may rescind
5 such an ordinance after January 1 but before April 1 of any calendar
6 year. Such an ordinance shall take effect July 1 of that same calendar
7 year.

8 (d) **Except as provided in section 9.6 of this chapter**, if a county
9 income tax council rescinds an ordinance as adopted under this section
10 the county option income tax rate shall automatically increase by
11 one-tenth of one percent (0.01%) until:

12 (1) the tax rate is again frozen under another ordinance adopted
13 under this section; or

14 (2) the tax rate equals six tenths of one percent (0.6%) (if the
15 frozen tax rate equaled an amount less than six tenths of one
16 percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled
17 an amount in excess of six tenths of one percent (0.6%)).

18 (e) The county auditor shall record any vote taken on an ordinance
19 proposed under the authority of this section and immediately send a
20 certified copy of the results to the department by certified mail."

21 Page 36, between lines 36 and 37, begin a new paragraph and insert:

22 "SECTION 26. [EFFECTIVE UPON PASSAGE] (a)
23 **Notwithstanding IC 6-3.5-6, if the county income tax council for a**
24 **county containing a consolidated city passes an ordinance**
25 **described in IC 6-3.5-6-9.6, as added by this act, before June 1,**
26 **2005, the increased rate takes effect July 1, 2005.**

27 (b) **An ordinance or a resolution adopted to increase the rate of**
28 **the county option income tax for resident county taxpayers under**
29 **IC 6-3.5-6-9.6, as added by this act, by not more than three-tenths**
30 **of one percent (0.3%) on the succeeding July 1, up to a maximum**
31 **rate of one percent (1%), is valid and effective, regardless of**
32 **whether the ordinance or resolution is passed before, on, or after**
33 **the effective date of this act."**

34 Renumber all SECTIONS consecutively.

(Reference is to EHB 1083 as printed April 6, 2005.)

Senator CLARK